

022604

14230 U.S. PTO

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| DOCKET NUMBER |  | ANTICIPATED CLASSIFICATION OF THIS APPLICATION: |          | PRIOR APPLICATION |          |
|---------------|--|---|----------|-------------------|----------|
|               |  | CLASS   | SUBCLASS | EXAMINER          | ART UNIT |
| 6786.78USC5   |  |   |          | J. PARSA          | 1621     |

## CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV372667605US  
 Date of Deposit: February 26, 2004

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: *Teresa Anderson*  
 Name: Teresa Anderson

## CONTINUATION APPLICATION UNDER 37 C.F.R. § 1.53(b)

Mail Stop PATENT APPLICATION  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Dear Sir:

This is a request for filing a continuation application under 37 CFR § 1.53(b) of Serial No. 10/390,958, filed on March 18, 2003 entitled LACTIC ACID PROCESSING; METHODS; ARRANGEMENTS; AND, PRODUCTS by the following inventor(s):

|                            |   |                                       |   |
|----------------------------|---|---------------------------------------|---|
| Full Name<br>Of Inventor   | Family Name<br>EYAL                         | First Given Name<br>AHARON            | Second Given Name<br>M.                         |
| Residence<br>& Citizenship | City<br>JERUSALEM                           | State or Foreign Country<br>ISRAEL    | Country of Citizenship<br>ISRAEL                |
| Post Office<br>Address     | Post Office Address<br>KUBBUTZ RAMAT RACHEL | City<br>JERUSALEM                     | State & Zip Code/Country<br>ISRAEL              |
| Full Name<br>Of Inventor   | Family Name<br>STARR                        | First Given Name<br>JOHN              | Second Given Name<br>N.                         |
| Residence<br>& Citizenship | City<br>CHASKA                              | State or Foreign Country<br>MINNESOTA | Country of Citizenship<br>USA                   |
| Post Office<br>Address     | Post Office Address<br>2350 MANUELA DRIVE   | City<br>CHASKA                        | State & Zip Code/Country<br>MINNESOTA 55318/USA |
| Full Name<br>Of Inventor   | Family Name<br>FISHER                       | First Given Name<br>ROD               | Second Given Name                               |
| Residence<br>& Citizenship | City<br>EDEN PRAIRIE                        | State or Foreign Country<br>MINNESOTA | Country of Citizenship<br>USA                   |
| Post Office<br>Address     | Post Office Address<br>16820 S. SHORE LANE  | City<br>EDEN PRAIRIE                  | State & Zip Code/Country<br>MINNESOTA 55346/USA |
| Full Name<br>Of Inventor   | Family Name<br>HAZAN                        | First Given Name<br>BETTY             | Second Given Name                               |
| Residence<br>& Citizenship | City<br>JERUSALEM                           | State or Foreign Country<br>ISRAEL    | Country of Citizenship<br>ISRAEL                |
| Post Office<br>Address     | Post Office Address<br>ICELAND 17/22        | City<br>JERUSALEM                     | State & Zip Code/Country<br>ISRAEL              |
| Full Name<br>Of Inventor   | Family Name<br>CANARI                       | First Given Name<br>RIKI              | Second Given Name                               |
| Residence<br>& Citizenship | City<br>BEIT ZEIT                           | State or Foreign Country<br>ISRAEL    | Country of Citizenship<br>ISRAEL                |
| Post Office<br>Address     | Post Office Address<br>BEIT ZEIT 34         | City<br>BEIT ZEIT                     | State & Zip Code/Country<br>ISRAEL 90815        |

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|                            |  |                                       |   |
|----------------------------|--|---------------------------------------|---|
| Full Name<br>Of Inventor   | Family Name<br>WITZKE                            | First Given Name<br>DAVID             | Second Given Name<br>R.                         |
| Residence<br>& Citizenship | City<br>OSKALOOSA                                | State or Foreign Country<br>IOWA      | Country of Citizenship<br>USA                   |
| Post Office<br>Address     | Post Office Address<br>2420 MCMULLIN DRIVE       | City<br>OSKALOOSA                     | State & Zip Code/Country<br>IOWA 52577/USA      |
| Full Name<br>Of Inventor   | Family Name<br>GRUBER                            | First Given Name<br>PATRICK           | Second Given Name<br>R.                         |
| Residence<br>& Citizenship | City<br>BLAINE                                   | State or Foreign Country<br>MINNESOTA | Country of Citizenship<br>USA                   |
| Post Office<br>Address     | Post Office Address<br>10951 FLANDERS COURT N.E. | City<br>BLAINE                        | State & Zip Code/Country<br>MINNESOTA 55449/USA |
| Full Name<br>Of Inventor   | Family Name<br>KOLSTAD                           | First Given Name<br>JEFFREY           | Second Given Name<br>J.                         |
| Residence<br>& Citizenship | City<br>WAYZATA                                  | State or Foreign Country<br>MINNESOTA | Country of Citizenship<br>USA                   |
| Post Office<br>Address     | Post Office Address<br>16122 RINGER ROAD         | City<br>WAYZATA                       | State & Zip Code/Country<br>MINNESOTA 55391/USA |

1.  Enclosed is a copy of the prior application; including the specification, claims, drawings, a signed oath or declaration, and any amendments referred to in the oath or declaration filed to complete the prior application. (It is noted that no amendments referred to in the oath or declaration filed to complete the prior application introduced new matter therein.) The continuing application is as follows: 61 pages of specification, 24 claims, 1 page of abstract, 11 sheets of formal drawings, and 5 pages of oath or declaration.
  - The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
  
2.  Cancel original claims of this application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
  
3.  The filing fee is calculated below:

**CLAIMS AS FILED**

| NUMBER FILED               | NUMBER EXTRA |   | RATE                     | FEE             |
|----------------------------|--------------|---|--------------------------|-----------------|
| <b>TOTAL CLAIMS:</b><br>24 | -20          | 4 | x \$18.00                | 72.00           |
| <b>INDEPENDENT CLAIMS</b>  |              |   |                          |                 |
| 3                          | -3           | 0 | x \$86.00                | 0.00            |
|                            |              |   | <b>BASIC FILING FEE:</b> | <b>\$770.00</b> |
|                            |              |   | <b>TOTAL FILING FEE:</b> | <b>842.00</b>   |
|                            |              |   |                          |                 |

Small entity status is claimed pursuant to 37 CFR 1.27.

4.  Payment of fees:
  - Attached is a check in the amount of 842.00
  - Please charge Deposit Account No. 13-2725.

5.  The Commissioner is hereby authorized to charge any additional fees as set forth in 37 CFR §§ 1.16 to 1.18 which may be required by this paper or credit any overpayment to Account No. 13-2725.
6.  Amend the specification by inserting before the first line of the first page the paragraph:

"This application is a continuation of application Serial No. 10/390,958, filed March 18, 2003, which is a continuation of application Serial No. 09/927,116, filed August 10, 2001, that issued as U.S. Patent No. 6,534,679 B2 on March 18, 2003. Application Serial No. 09/927,116 is a continuation of Application Serial No. 09/132,720, filed August 12, 1998, that issued as U.S. Patent No. 6,320,077 on November 20, 2001. Application Serial No. 09/132,720 is a continuation of Application Serial No. 08/950,289, filed October 14, 1997, that issued as U.S. Patent No. 6,229,046 on May 8, 2001. U.S. Application Serial Nos. 10/390,958, 09/927,116, 09/132,720 and 08/950,289 are incorporated herein by reference."

7.  A set of formal drawings ( sheets) is enclosed.
8.  Priority of application Serial No. , filed on in , is claimed under 35 U.S.C. 119.
  - The certified copy has been filed in prior application Serial No. , filed .
9.  The prior application is assigned of record to Cargill, Incorporated located at Minneapolis, Minnesota.
10.  The Power of Attorney in the prior application is to:

Merchant & Gould P.C.  
Minneapolis, MN 55402-2215

11.  A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)
  - Fee for excess claims is attached.
12.  A petition and fee has been filed to extend the term in the prior application until February 26, 2004. A copy of the petition for extension of time in the prior application is attached.
13.  The inventor(s) in this application are less than those named in the prior application and it is requested that the following inventors identified above for the prior application be deleted:
14.  A Nonpublication Request under 37 CFR 1.213(a) is enclosed.
15.  Also Enclosed: Information Disclosure Statement, Form 1449
16.  Address all future communications to the **Attention of Dennis R. Daley** (may only be completed by attorney or agent of record) at the address below.

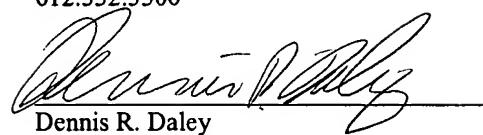
17.  A return postcard is enclosed.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, MN 55402-0903  
612.332.5300

**23552**  
PATENT TRADEMARK OFFICE

Date: February 26, 2004



Dennis R. Daley  
Reg. No. 34,994  
DDaley:PLSkIg